

## Foster Care Reviewer=s Glossary

**Adjudication** In a child welfare court case, the hearing in which the court determines whether a child has been maltreated or whether there is some other basis for the court to take jurisdiction or authority over the case. The grounds upon which the court may take jurisdiction will vary from state to state; depending on the state, the case may be subject to the court=s jurisdiction if the child is, for example, found to be abused, abandoned, neglected, maltreated, uncared for, in need of aid, in need of services or in need of assistance. ATo hear and decide as case.@ (Webster=s New World Dictionary)

**Adoption** A legal process that vests all legal rights and responsibilities of parenthood in persons other than a child=s parents (biological or adoptive). In some states, for a child in foster care to be adopted, parental rights must first be terminated in a separate judicial proceeding.

**Administrative review** A review of the child welfare agency case of a child in foster care, which is: open to the participation of the parents of the child and conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents. Same as a Aperiodic review.@ The term Aadministrative review@ is also used to apply to the type of review conducted by a persons employed, appointed, or hired by the child welfare agency who report to the child welfare agency as distinguished from review conducted by a citizen panel. See, further, Afoster care review board (citizen review board).@

**Adoptive parent(s)** The person or persons who adopt a child in a legal adoption proceeding.

**Americans with Disabilities Act (ADA)** A law requiring responsiveness to people with disabilities.

**Appeal** Resort to a superior (appellate) court to review the decision of an inferior court (trial or lower appellate) or administrative agency.

**ASFA - Adoption and Safe Families Act** of 1997 is Public Law 105-89. Refocuses attention on the child welfare system by causing states to balance family preservation and reunification with the health and safety of children, which the act declares of paramount importance.

**Assistant Attorney General (AG or AAG)** This is the attorney to represent the state Division of Child and Family Services in court.

**At risk** A child whose personal or environmental conditions (poverty, substance abuse, etc.) place the child at greater risk of abuse or neglect.

**Attachment** The affectionate and emotional tie between people that continues indefinitely over time and lasts even when people are geographically apart.

**Best interest of the child** A standard frequently used by child welfare agencies and child welfare court in determining whether to undertake specific acts regarding a child.

**Birth parent** The parents who gave birth to a child. Also called **biological** or **natural** parents.

**Bonding** Is the word reserved for the unique relationship between mother and infant that occurs during pregnancy and birth. **Attachment** is used for those relationships that develop from birth on.

**Case** In this training and in common usage, refers to both the process of a child and family through the child welfare agency and to the process of the child and family through the court.

**Case law or common law** Legal principles or requirements which are based on judicial decisions instead of on statutes.

**Case planning** The continued process engaged in by a child welfare agency in developing and modifying a child's and their family's case plan.

**Caseworker** The staff member of a child welfare agency who is responsible for working with a child and/or family.

**Child** A person under 18 years of age. Synonymous with **minor**. Generally, the foster care system, including termination of parental rights, only applies to children. However, in some jurisdictions, if a child becomes 18 while in foster care or in the jurisdiction of the child welfare court, the child can remain in foster care or under juvenile court jurisdiction, under certain circumstances, until age 21.

**Child abuse and neglect** The federal Child Abuse Prevention and Treatment and Adoption Reform Act defines child abuse and neglect as having four elements: 1) physical injury, mental injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment; 2) of a child; 3) by a person who is responsible for the child's welfare (including employees of residential facilities and persons providing out-of-home care); 4) under circumstances which indicate that the child's health or welfare is harmed or threatened. In order to receive funds under the act, states must adopt a definition of child abuse which is consistent with the federal definition. The different types of child maltreatment are further defined as follows:

**Child abuse:** The physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed. It also includes sexual abuse of a child, whether physical injuries are sustained.

**Child sexual abuse:** Any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child. It includes incest, rape, any sexual offense, sodomy and unnatural or perverted sexual practices.

**Child neglect:** Leaving a child unattended or other failure to give a child proper care and attention, by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child, under circumstances that indicate either: (1) that the child's health or welfare is harmed or placed at substantial risk of harm or (2) mental injury to the child or a substantial risk of mental injury.

**Mental injury:** The observable, identifiable and substantial impairment of a child's mental or psychological ability to function. This is also referred to as emotional maltreatment.

**Child protective services (CPS)** the child welfare agency services which receives and investigates reports of suspected child maltreatment and makes a determination regarding the safety of the child in their home or the need for emergency removal for the child's safety.

**Child welfare agency** The public agency responsible for the provision of, among other services, child protective services (CPS) and foster care. In Utah this is the Division of Child and Family Services (DCFS). The DCFS is one Division of the Department of Human Services (DHS).

**Clear and Convincing Proof or Evidence:** 1) More than a *preponderance* but less than is required in proof beyond a *reasonable doubt*; 2) Evidence which produces in the mind of the trier a fact, a firm belief or conviction as to the truth of the allegations sought to be established, evidence so clear, direct and weighty and convincing as to enable (the fact finder) to come to a clear conviction, without hesitancy, of the truth of the precise facts at issue.

**Concurrent planning** Child welfare practice which allows for the simultaneous provision of reunification and alternative permanency planning services within a structured framework.

**Consent decree** A legal agreement between a court and agency to prevent further litigation if followed.

**Continuances** Sometimes all of the information is not ready or the attorneys are not prepared. If that happens, the Court may grant a continuance and set a new date for the hearing.

**Court-appointed special advocate (CASA)** In some jurisdictions, a person appointed by the child welfare court to present to the court the needs and interests of the child. In Utah a CASA is a volunteer trained and supervised by the Guardian *ad Litem*'s office.

**Court-Ordered In-Home Services (PSS - Protective Services Supervision)** are very similar to voluntary, except these services are brought to the attention of the court, usually through a petition filed by a Child Protective Services (CPS) worker, and the court had ordered protective services supervision (PSS) in the home. There is always a treatment plan in place for the family and perhaps specific members, and it must deal with the specific concerns brought to the court in the petition. Some additional services may include day treatment, homemakers services or the use of aides in the home.

**Cultural responsiveness** A set of congruent system, agency and individual practice skills, attitudes, policies and structures that promotes positive interaction between individuals, families and communities and is effective in the context of cultural differences.

**Custody** the right and responsibility of determining the residence, care and education of a minor.

**Disposition** Any order of the court, after adjudication.

**Dispositional Report** A written summary of the findings of a review of a case of a child in foster care and the recommendations of the reviewers, submitted to only those parties specified in state law.

**Emergency removal hearing (shelter hearing)** A hearing held by the Juvenile court which determines the need for emergency out-of-home placement for a child who is alleged to have been maltreated. This hearing must be held within 72 hours (regular business hours) of the child's removal from their home.

**Encopresis** Repeated passage of feces into inappropriate places which occurs at least once a month for a period of at least three months.

**Enuresis** Repeated voiding of urine into bed or clothes.

**Failure to Protect** The child is at risk because the non-abusive parent is unwilling or unable to protect the child from continuing abuse.

**Failure to Thrive** When a parent-child relationship presents disturbances that affects the child's normal growth pattern. Presenting signs include poor weight gain, below normal growth, sagging skin folds and little or no parental interaction.

**Family preservation services (PFP )** provided by the child welfare agency which support the principle, established in law and policy, that a child should be maintained in her or his family if the child's safety can be ensured.

**Family reunification services** provided by the child welfare agency which support the principle, established in law and policy, that the preferable permanency plan for a child in foster care is Areunification,@i.e., return to her or his family if the child's safety can be ensured.

**Foster care** Continuous 24-hour care and supportive services provided for a child and the child's family while the child needs supplemental care outside of the child's family. Foster care may be provided in a foster family, group home or institutional setting.

**Foster Care Citizen Review Board (FCCRB)** A volunteer panel of citizens who review the cases of children who have been in foster care with the Division of Child and Family Services. Boards generally seek to identify the efforts that have been made to acquire permanent and stable placement for foster children, and to encourage and facilitate the implementation of permanency plans in their best interest.

**Foster family home** A type of foster care in which the care is provided in a family setting.

**Group home** an out-of-home placement in a small group setting.

**Guardian *ad litem* (GAL)** A lawyer who represents the best interest of a child in a child welfare court proceeding. In Utah the GAL's are employees of the Administrative Office of the Court.

**Guardianship** is the legal relationship between a child and the caretaking adults or adults. Often foster parents become the legal guardian for a particular child. Guardianship does not require the parents to relinquish their legal rights.

**Independent living** A possible permanency plan for a youth in foster care in which the goal is that the child will be self-sufficient after discharge from foster care, usually around the youth's eighteenth birthday.

**Indian Child Welfare Act (ICWA)** A federal law which specifies the manner in which child welfare agencies and child welfare courts must handle cases involving American Indian and Alaska Native children.

**Individuals with Disabilities Education Act (IDEA)** A federal law that requires states which want to receive funds under the act to have policies which ensure that all children with disabilities have access to free, appropriate education.

**Interstate Compact on the Placement of Children (ICPC)** A compact between the 50 states and the District of Columbia which governs the placement of children across state lines for foster care or adoption placements.

**In-Home Services** include Family Preservation Services (PFP), Voluntary In-Home Services (PSC), Court Ordered In-Home Services (PSS), and Youth Services (PYS).

**IV-E, non-IV-E, IV-B:** Eligibility categories which determine funding sources for children in foster care. The Roman numerals and letters refer to specific provisions of the Social Security Act.

**Jurisdiction** The power of a court to hear a particular case.

**Juvenile Court** This is the court with jurisdiction over cases involving children in foster care, i.e., shelter hearing after emergency removal, adjudications, dispositions, periodic reviews, termination of parental rights and adoption. The Juvenile Court also hears and makes decisions regarding delinquency cases.

**Kinship care (relative placement)** Care provided to a child by kin (relatives), whether full-time or part-time, temporary or permanent, and whether initiated by private family agreement or under the custodial supervision of a child welfare agency or by an order of a court.

**Long-term foster care** A permanency plan for a child in foster care in which the child remains in foster care. This plan is the least favored option for a child.

**Multiethnic Placement Act of 1994 (MEPA)** A federal law which prohibits denial or delay of placement for foster care or adoption by any agency that receives federal funds because of the child's or foster/adoptive parent's race, color or national origin.

**Out-of-home** care provided to children placed outside their homes into foster care. Care may be provided by foster family homes, group homes or institutions.

**Parental Rights** While the child is in foster care, the natural parent retains some rights to govern what happens to the child. But when a parent's rights are terminated, they no longer retain that privilege.

**Party** One of the sides of a court case.

**Peer Parenting** usually refers to the child's foster parent providing one to one parenting training, guidance and advice to the child's natural parent.

**Periodic review** The six-month review of cases of children in out-of-home care required by Public Law 96-272 and most state law. Same as an Administrative review.

**Permanent Deprivation** is the legal result of the termination of parental rights. The natural parents are permanently deprived their rights as parents to the child.

**Permanency** gives a child: 1) a family intended to last a lifetime, 2) a family where he or she can grow and develop physically, socially, emotionally, intellectually, spiritually and morally, 3) a healthy and reliable place to live.

**Permanency Hearing** in a child welfare court case, the hearing in which the court reviews the child's case to ensure that a permanency plan is being implemented in the child's best interest. If the child is committed to the Division of Child and Family Services for placement outside the home the first permanency hearing must be held within 12 months after the initial removal from home and thereafter, at least every 12 months for as long as the child continues in out of home care.

**Permanency plan** A plan specifying where and with whom a foster care child shall live, the proposed legal relationship between the child, the permanent caretaker or caretakers and a projected date by which the living arrangement and legal relationship will be achieved.

**Permanency planning** The process by which a child welfare agency with responsibility for a child in foster care develops and implements a permanency plan for the child.

**Petition** A formal, written request to the court that it make a decision and direct actions for the child. The petition is a pleading that begins a court case. It contains the facts and circumstances upon which a court is asked to provide certain relief as well as the nature of the relief sought. The document containing the material facts and allegations upon which the court's jurisdiction is based.

**Preponderance of evidence** Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it, that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

**Proctor home** is the same as a foster home. Usually a proctor home is licensed and monitored by a private agency or the Division of Youth Corrections.

**Protective Custody** If a determination is made that the child cannot remain at home safely and is subsequently removed, then the child is placed in protective custody. It is then required that a hearing be held before a Judge to determine if the child should remain in custody.

**Protective Youth Services (PYS)** is the voluntary provision of services to adolescents and their families.

**Public Law 96-272** The Adoption Assistance and Child Welfare Act of 1980, a federal law intended to prevent foster care drift and increase effective permanency planning for children in foster care. Case plans, findings of reasonable efforts, periodic reviews and Dispositional reviews are among its requirements for states wanting a share of money appropriated under the Act.

**Reasonable efforts** For each foster child, Reasonable efforts® must be made prior to the placement to prevent or eliminate the need for the placement and after the placement to make it possible for the child to return home. Whether reasonable efforts have been made is a case-by-case determination, and is determined by looking at the quality of efforts made and the nature of services offered.

**Regulation** Directions for the operation of a government agency developed by the agency to implement the agency's statutory responsibilities. Regulations have the force and effect of law when issued following notice to the public and an opportunity for the public to comment.

**Removal of a child from home** The removal of a child from their home is based on the belief that there is substantial cause to believe: (1) there is substantial danger to the physical health or safety which cannot be remedied without removal; (2) previous adjudication of a child as abused or neglected and a subsequent incident of abuse or neglect occurs; (3) emotional maltreatment; (4) child has been sexually abused in the home; (5) the parent is unwilling to keep the child; (6) the child has been left without any provision for support; (7) the parents are unknown and the person with whom the child was left is no longer able to care for the child; (9) child is in immediate need of medical care; (10) the child, or another child in the home has been neglected; (11) an infant has been abandoned; (12) the parent or an adult residing in the same household has been charged or arrested under the Clandestine Drug Lab Act and the lab was located in the residence or on the property where the child resided or (13) the child's welfare is otherwise endangered.

**Reunification** is the process of returning children to their parents following a placement in substitute care.

**Rule** In this manual, the guidelines established by a state's highest court to govern both operation of the state's courts and appearances before the courts.

**SAFE** DCFS database and case management system.

**Service plan** A written document which contains at least: (1) a description of the home or institution in which the child is placed; (2) a plan for assuring that the child receives proper care and the services are provided which will facilitate the child's return home or other permanent placement; (3) the child's health and educational records; and, (4) the visitation plan.



**Sexual abuse** As defined by the federal Child Abuse and Adoption Assistance Act, A(A) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or, (B) the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children.@

**Shelter Care** is the initial placement of a child into protective custody upon removal from their home. This placement should not exceed 14 days.

**Sibling at Risk** Another minor residing in the same household has been severely neglected or physically or sexually abused.

**Social Security Act:** This is the Act which established the Social Security system and sets up the criteria for withholdings, retirement payments/benefits, disability benefits and support for children of deceased working parents. Section IVE of this act also outlines the conditions under which states receive federal payments for foster care and adoption assistance. The 1980 amendments to the Social Security Act are known as **P.L. 96-272**. It was these amendments that established the requirement for periodic reviews, a written case plan, a reasonable efforts determination by the court and time frames for court reviews.

**Special needs** A term used to describe children for whom it is difficult to find foster or adoptive families (for example, children with medical conditions, learning delays, etc.)

**Staffing** the name given to the process of periodically reassessing and redeveloping the permanency plan and case plan.

**Statute** A law passed by a legislative body. For federal laws, a statute is a law passed by Congress.

**Temporary Assistance for Needy Families (TANF)** A new federal financial assistance program which replaces Aid to Families with Dependent Children (AFDC).

**Termination of parental rights (TPR)** A legal process that severs the legal relationship between parents and child and vests that authority in the child welfare agency. The TPR order places the child in the guardianship of the child welfare agency and gives the agency the right to consent to adoption or long-term care short of adoption.

**Title VI of Civil Rights Act of 1964** A federal law which states no person shall on the ground of race, color or national origin be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Health, Education and Welfare.

**Twenty-Four hour meeting** is convened by the Division of Child and Family Services within 24 working hours after a child has been removed from their home. It is a multidisciplinary staffing with participants from the attorney general's office, the guardian ad litem, health team, school, mental health and other key participants with knowledge regarding the child and family.

**Voluntary In-Home Services (PSC - Protective Services Counseling)** are provided by Child Welfare staff in all parts of the state. This service, as its name implies, is voluntary, although generally there are sufficient concerns of abuse or neglect for the agency and the community to have some protective intervention provided, although not serious enough to file a petition in Juvenile Court for court-ordered services.

**Voluntary Relinquishment** is the voluntary relinquishment or giving up of parental rights. This must be accomplished in Juvenile Court.

## **Additions to the Glossary**

List here acronyms and terms not listed in the glossary, which will be important to you as a reviewer.